

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

RESOLUTION NO. 2021-20

A Resolution concerning

REQUIRED USE OF FACE COVERINGS TO REDUCE THE SPREAD OF COVID-19

WHEREAS, On March 30, 2020, Governor Larry Hogan declared a State of Emergency in Maryland as a result of the significant threat to public health, safety and well-being created by the novel coronavirus known as COVID-19; and

WHEREAS, Subsequently, Governor Larry Hogan ended the COVID-19 State of Emergency in the State of Maryland, in part citing to a record-low statewide positivity rate of 0.82%. The termination of the State of Emergency included termination of a statewide mask mandate effective July 1, 2021; and

WHEREAS, The Board of Commissioners, by virtue of the authority vested in it under the Annotated Code of Maryland, Public Safety Article, Sections 14-101, 14-102 & 14-111, to preserve the public safety and render all required and available assistance vital to the security, well-being and health of the citizens, did renew the Charles County State of Emergency on August 10, 2021, September 14, 2021, October 12, 2021 and November 2, 2021, to include a mask mandate under certain circumstances as described in the Board of Commissioners' Resolution 2021-16; and

WHEREAS, the Board of County Commissioners, based on the data which has shown the sharp decline in COVID-19 transmissions, positivity rate, hospitalizations, ambulance transports, and COVID related deaths since the introduction of the State of Emergency, believes that this data no longer supports the need for a continuation of the State of Emergency in Charles County, and

WHEREAS, Pursuant to the Annotated Code of Maryland, Health General Article, Section 3-306, the Charles County Health Officer is the executive officer and secretary of the County Board of Health; and

WHEREAS, Pursuant to the Annotated Code of Maryland, Health General Article, Section 3-201, the Board of Commissioners is ex officio the Board of Health for the County; and

WHEREAS, Pursuant to the Annotated Code of Maryland, Health General Article, Section 3-202, each county board of health may adopt and enforce rules and regulations on any nuisance or cause of disease in the county. Further, the county board of health shall exercise those duties in each municipality or special taxing district in the county, unless the municipality or district has a charter provision or ordinance that: (i) Covers the same subject matter; (ii) Is at least as restrictive as the provision that the county board is required to enforce; and
(iii) Includes provisions for enforcement; and

WHEREAS, the Health Officer continues to report to the Board of Commissioners concerning the status of COVID-19 in the County, to include positivity rates, testing

rates, and vaccination rates, and has advised that Charles County remains at a higher rate of positivity for COVID-19 than the State of Maryland average. Further, the Health Officer has advised that COVID-19 continues to significantly impact the public health of Charles County citizens as variants of the coronavirus with a higher transmissibility are found in those tested, coupled with the relatively low percentage of Charles County citizens who have been vaccinated; and

WHEREAS, The Board of Commissioners continues to receive COVID-19 related updates from the University of Maryland Charles Regional Medical Center, that also point to concerning rates of COVID-19 positive patient admissions, COVID-19 mortality analyses, and continued pressure placed on the hospital and other medical resources as a result of the coronavirus; and

WHEREAS, The Health Officer for Charles County has advised that community transmission of COVID-19 is rated as “SUBSTANTIAL” in Charles County, and the United States Centers for Disease Control and Prevention recommends vaccination efforts and masking in indoor public spaces in communities with “SUBSTANTIAL” or “HIGH” community transmission.

NOW, THEREFORE, in consideration of the data provided to the Board of Commissioners, to include the County’s continued status as “SUBSTANTIAL” community transmission, and in recognition that the conditions caused by COVID-19 are hazardous and may threaten or imperil the health of the citizens of Charles County, we, the Charles County Board of County Commissioners, as the governing body of Charles County and the County Board of Health, for the prevention of nuisance or cause of disease as authorized under the Annotated Code of Maryland, Health General Article , Sections 3-301 and 3-302, do hereby **ORDER:**

1. The continuation of a countywide mask mandate. This mask mandate requires the use of Face Coverings, meaning a covering that fully covers a person’s nose and mouth, inside of any business, commercial establishment, restaurant, store, place of worship or any other building open to and allowing entrance of the public. However, this ORDER does not require persons to wear Face Coverings:
 - i. if, due to a bona fide disability or medical condition, it would be unsafe for the person to do so;
 - ii. to the extent wearing a Face Covering would impede communication by or with persons who have a hearing impairment or other disability, where the ability to see the mouth is essential for communication;
 - iii. if wearing a Face Covering would subject the person to an unsafe working condition, as determined by federal, state, or local occupational safety regulators or workplace safety guidelines;
 - iv. to the extent wearing a Face Covering would make it impossible to receive services requiring access to the face, mouth, or head;
 - v. while consuming food or beverages;
 - vi. while swimming or engaging in other physical activities where the use of a Face Covering is likely to pose a bona fide safety risk;
 - vii. while operating any Public Transportation conveyance, provided that the person is (1) the sole operator of the conveyance, and (2) located in a separate compartment that is off-limits to riders; or


- viii. to the extent it is necessary to observe the person's entire face to verify such person's identity for bona fide security purposes;
- ix. who are under 5 years of age; and

IT IS FURTHER, ORDERED, that Resolution 2021-18 Renewal of the Declaration of the State of Emergency, is hereby terminated and no longer in effect; and

IT IS FURTHER ORDERED that this Resolution and rule shall continue in effect for a period not to exceed thirty (30) days from the date of adoption, and expiring at 4:59 PM on the date of December 15, 2021, unless renewed by the Board of County Commissioners.

ADOPTED this 16th day of November 2021

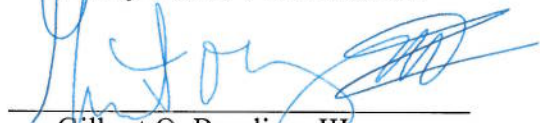
County Commissioners of
Charles County, Maryland



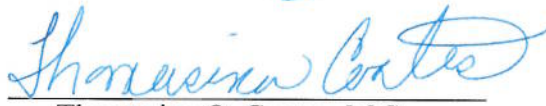
Reuben B. Collins, II, Esq., President



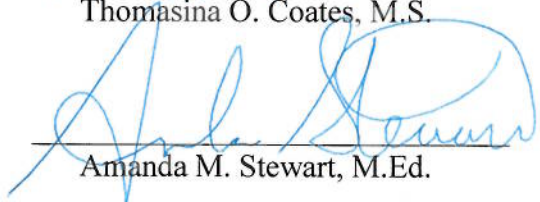
Bobby Rucci, Vice President



Gilbert O. Bowling, III



Thomasina O. Coates, M.S.



Amanda M. Stewart, M.Ed.

ATTEST:



Carol DeSoto, Clerk to the Commissioners